

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),  
WÄDENSWIL BRANCH, BAYER S.A.S.,  
and MERIAL LIMITED,

Plaintiffs,  
v.

CHEMINOVA, INC.

Defendant.

**Civ. Action No. 10-CV-274 (WO)(WWD)**

**OPPOSITION TO PLAINTIFFS'  
MOTION TO STAY ON  
GROUNDS OF MOOTNESS**

Defendant Cheminova, Inc. responds to Plaintiffs' Motion to Stay All Proceedings in this case (Docket No. 126). In light of Plaintiffs' agreements to a case management schedule providing for further proceedings in this case (*see* transcript of June 3, 2011, Scheduling Conference (Docket No. 129); Plaintiffs' Motion to Amend Scheduling Order (Docket No. 139)), and in light of the Court's ordering of same (*see* Docket Nos. 130, 140), Plaintiffs' Motion to Stay is moot and should be denied on that basis.

Respectfully submitted this 27th day of June, 2011.

Respectfully submitted,

By: /s/William K. Davis  
William K. Davis  
Alan M. Ruley  
BELL, DAVIS & Pitt, P.A.  
100 N. Cherry Street, Suite 600  
Winston-Salem, NC 27101  
[wdavis@belldavisritt.com](mailto:wdavis@belldavisritt.com)  
[aruley@belldavisritt.com](mailto:aruley@belldavisritt.com)  
Phone No. (336) 722-3700  
Fax No. (336) 722-8153

/s/ Christopher G. Kelly

Christopher G. Kelly/Joshua C. Krumholz

Robert J. Burns/Steven L. D'Alessandro

HOLLAND & KNIGHT LLP

31 West 52<sup>nd</sup> Street

New York, NY 10019

[christopher.kelly@hklaw.com](mailto:christopher.kelly@hklaw.com)

[joshua.krumkolz@hklaw.com](mailto:joshua.krumkolz@hklaw.com)

[robert.burns@hklaw.com](mailto:robert.burns@hklaw.com)

[steven.dalessandro@hklaw.com](mailto:steven.dalessandro@hklaw.com)

Phone No. (212) 513-3200

Fax No. (212) 385-9010

*Attorneys for Defendant and Counter-Plaintiff  
Cheminova, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of June, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Catherine Nyarady	<a href="mailto:cnyarady@paulweiss.com">cnyarady@paulweiss.com</a>
Craig Benson	<a href="mailto:cbenson@paulweiss.com">cbenson@paulweiss.com</a>
Jayson L. Cohen	<a href="mailto:jlcohen@paulweiss.com">jlcohen@paulweiss.com</a>
John E. Nathan	<a href="mailto:jnathan@paulweiss.com">jnathan@paulweiss.com</a>
Kenneth A. Gallo	<a href="mailto:kgallo@paulweiss.com">kgallo@paulweiss.com</a>
Kent E. Kemeny	<a href="mailto:kkemeny@paulweiss.com">kkemeny@paulweiss.com</a>
Kripa Raman	<a href="mailto:kraman@paulweiss.com">kraman@paulweiss.com</a>
Pressly McCauley Millen	<a href="mailto:pmillen@wCSR.com">pmillen@wCSR.com</a>
Robert J. Koch	<a href="mailto:rkoch@milbank.com">rkoch@milbank.com</a>
Jitendra Malik	<a href="mailto:jmalik@alstonbird.com">jmalik@alstonbird.com</a>
Frank G. Smith	<a href="mailto:Frank.smith@alston.com">Frank.smith@alston.com</a>
Judy C. Jarecki-Black	<a href="mailto:judy.jarecki@merial.com">judy.jarecki@merial.com</a>
John Patrick Elsevier	<a href="mailto:jpelsevier@jonesday.com">jpelsevier@jonesday.com</a>
John Cox	<a href="mailto:john.cox@alston.com">john.cox@alston.com</a>
Matthew W. Howell	<a href="mailto:Matthew.howell@alston.com">Matthew.howell@alston.com</a>

/s/ Robert J. Burns